

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

Writ Petition No.1351 of 2002

Petitioner

Chinta Devi, W/o Mahendra Tiwari, aged about 60 years, Resident of Rajpur Tahsil, District Surguja, C.G.

versus

Respondents

1. State of Chhattisgarh, Through Secretary (Revenue), Raipur District, C.G.
2. Collector, District Surguja, C.G.
3. Tahsildar, Tahsil Rajpur, District Surguja, C.G.

Present : Shri Rakesh Jha, counsel for the petitioner.
Shri Sumesh Bajaj, Government Advocate for the State.

ORAL ORDER

(Passed on 21st March, 2007)

The petitioner in this writ petition filed under Articles 226/227 of the Constitution of India calls in question the orders passed by the Collector – respondent No.2 in exercise of his power under Section 50 of the Chhattisgarh Land Revenue Code, 1959 (henceforth 'the Code').

(2) Inasmuch as the petitioner has a right to appeal against the said order before the Board of Revenue. Without exhausting that remedy, the petitioner could not have approached this Court.

(3) In that view of the matter, the writ petition is disposed of. However, liberty is reserved to the petitioner to question the correctness or otherwise of the orders passed by the Collector – respondent No.2 under Section 50 of the Code in an appeal, within a month's time from today. If such an appeal is filed within the time granted by this Court, the Board of Revenue shall decide the same on its own merits without reference to the period of limitation. All the contentions raised by the parties are left open. Ordered accordingly.

**Sd/-
Chief Justice**